

DOCKET NO: 246035US23

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
FRANKLIN D. LOMAX, ET AL. : EXAMINER: WARTALOWICZ, P.  
SERIAL NO: 10/791,746 :  
FILED: MARCH 4, 2004 : GROUP ART UNIT: 1793  
FOR: HEAT EXCHANGER HAVING :  
PLURAL TUBULAR ARRAYS :

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated March 27, 2008, Applicants elect, with traverse, Group I, listed in the Restriction requirement as readable on Claims 1-41, for further prosecution in the present application. Applicants list Claims 1-41 as readable thereon.

Applicants respectfully traverse the Restriction Requirement for the following reason.

MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the outstanding Restriction Requirement on the grounds that a search and examination of the entire application would not place a

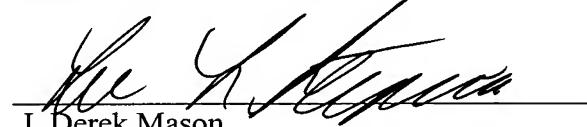
Application No. 10/791,746  
Reply to Office Action of March 27, 2008

serious burden on the Examiner. Therefore, an action on all of Claims 1-41 is earnestly solicited.

The present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
J. Derek Mason  
Attorney of Record  
Registration No. 35,270

Lee L. Stepina  
Registration No. 56,837

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)